THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :10033 of 2007

DATED:05-06-2007

BETWEEN:

Nayeem Sultana.

.....
PETITIONER

AND

The Commissioner of Police,
Hyderabad City & 3 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioner seeks a writ of mandamus directing the respondents herein not to harass the writ petitioner by visiting her residence under the guise of a rowdy sheet opened against her husband.

3. It is the case of the petitioner that she is the wife of one Athar Ali, resident of H.No.16-2-45B, Baruni Villa, Akbar Bagh, Malakpet, Hyderabad, and though her husband was not involved in any of the cases a rowdy sheet was opened against him and he was implicated in several cases and except one case all the cases ended in acquittal. It is stated that her husband is a Mechanical Engineer and with regard to the opening of rowdy sheet her husband filed a Writ Petition No.10669 of 2004 which was disposed of and the petitioner is nothing to do with the alleged rowdily action of her husband but without any justification whatsoever the respondents are visiting the house of the petitioner and harassing her mother and sister also. Hence, the present Writ Petition.

4. Counters have been filed stating that the husband of the petitioner was involved in ten cases and one case in Cr.No.44 of 1987 which was registered for the offence punishable under Section 302 IPC ended in conviction, but the High Court set aside the said order. In Cr.Nos.168 of 1987 and 142 of 1990 which were registered for the offences punishable under Sections 110 and 107 IPC respectively the husband of the petitioner was bound over and therefore, a rowdy sheet was opened against the husband of the petitioner by the police, Nallakunta Police station and the same is being continued, renewed from time to time, and stands extended upto 31-12-2007 in view of the public interest, and the respondents are watching the movements of the husband of the petitioner since a rowdy sheet is being continued against him. It is further stated that the husband of the petitioner was also involved in Cr.No.260 of 2005 for the offence punishable under Sections 399, 382, 402, 120-B & 109 IPC and Sec.25(b), 27 Arms Act of police station, Sultan bazaar, Hyderabad and he is still absconding. The police, Sultan bazaar police station filed charge sheet against the other accused in the above case by showing the husband of the petitioner as 'absconding accused'. Insofar as the allegation made against the police that they are harassing the petitioner is concerned, the same is denied by all the respondents.

5. In view of the aforesaid facts and circumstances and as the police denied the alleged harassment of the petitioner and they are in search of the husband of the petitioner only as he being the 'absconding accused', I am of the opinion that the petitioner is not entitled to any relief in this Writ Petition.

6. Accordingly, the Writ Petition is dismissed. No order as to costs.

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V.ESWARAIAH,J

05th June, 2007.

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